JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1688 OF 1981

Shah Babulal Khimji …Plaintiff
Versus
Chetnarayan Bhagwati Mishra …Defendant

Mr Dinesh P Shah, *for the Plaintiffs.*
Mr SR Agamkar, *for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 6th February 2017

PC:-

1. Suit No. 3116 of 2008 has already been transferred to the Bombay City Civil Court. It is to be de-tagged from Suit No. 1688 of 1981 and its accompanying execution application and other applications.

2. The original Defendant has passed away in 2000. The notice under Order XXI Rule 22 is itself of 2008. It has not been corrected to include the names of the Defendant's heirs. The application under Order XXI Rule 11 has an amendment. However this amendment only brings on record the heirs of the Plaintiff (also deceased). The heirs of the Defendant have thus not been joined to either the application under Order XXI Rule 11 or the notice under Order XXI Rule 22.

3. The learned Advocate for the Plaintiff seeks leave to move an appropriate amendment. It goes without saying that he will undertake to serve to the heirs of the Defendant as well.

(G. S. PATEL, J.)